

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN  
MADISON DIVISION**

April Deptula,

Plaintiff,

v.

Upstate Management Services, LLC,

Defendant.

Case No.:

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT COLLECTION  
PRACTICES ACT AND OTHER  
EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

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**JURISDICTION AND VENUE**

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

**FACTS COMMON TO ALL COUNTS**

2. Defendant is a “debt collector” as defined by 15 U.S.C. §1692a(6).
3. As described below, Defendant attempted to collect from Plaintiff a “debt” as defined by 15 U.S.C. §1692a(5), which was incurred by Plaintiff sometime prior to April 30, 2010.
4. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3).
5. On or around April 30, 2010, Plaintiff filed a voluntary petition for a chapter 13 bankruptcy.
6. In or around July 2010, Defendant telephoned Plaintiff in connection with the collection of the debt on numerous occasions.
7. During several of these communications, Plaintiff informed Defendant that Plaintiff had filed bankruptcy, but each time Defendant accused Plaintiff of lying and continued to call Plaintiff to collect the debt thereafter.

8. During several of these communications, Defendant falsely represented that fraud charges were pending against Plaintiff.
9. During one of these communications, Defendant falsely represented that Defendant intended to send a police officer to Plaintiff's place of employment to arrest Plaintiff the following day if Plaintiff did not pay Defendant.
10. Defendant caused Plaintiff emotional distress.
11. Defendant violated the FDCPA.

### **COUNT ONE**

#### **Violation of the Fair Debt Collection Practices Act**

12. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
13. Defendant violated 15 U.S.C. §1692d by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of the debt.

### **COUNT TWO**

#### **Violation of the Fair Debt Collection Practices Act**

14. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
15. Defendant violated 15 U.S.C. §1692e by using false, deceptive, or misleading representations in connection with the collection of the debt.

### **COUNT THREE**

#### **Violation of the Fair Debt Collection Practices Act**

16. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
17. Defendant violated 15 U.S.C. §1692f by using unfair or unconscionable means to collect the debt.

**JURY DEMAND**

18. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

19. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: s/Timothy J. Sostrin

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